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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 239  
First Named Inventor: Samuel F. Pellicori  
Prior Application Information  
Serial No. 09/771,444  
Examiner: A. Lavarias  
Art Unit: 2872

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## FILING UNDER 37 CFR § 1.53(B)

This is a request for filing for a

continuation       divisional       continuation-in-part (CIP)

application under 37 CFR § 1.53(b) of pending prior application Serial No. 09/771,444 filed on January 25, 2001, by

**Samuel F. Pellicori, Scott Berrum, and Christopher Donnelly**, entitled:

**MULTI-LAYER THIN FILM OPTICAL FILTER ARRANGEMENT**

For CONTINUATION or DIVISION APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 4b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**I. APPLICATION ELEMENTS ENCLOSED**

64 Page(s) of Written Description

7 Page(s) of Claims

1 Page(s) of Abstract

18 Sheet(s) of Drawings       formal       informal

2 Page(s) of  Declaration or  Declaration and Power of Attorney

Copy filed on July 2, 1991 in prior application [37 CFR §1.63(d)] Serial No. 09/771,444, filed January 25, 2001.

Newly executed

Other:

**CERTIFICATE OF MAILING (37 C.F.R. §1.10)**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

EL 794600314 US

Express Mail Label No.

June 23, 2003

Date of Deposit

LAI-2051618v1

Carolyn L. Evans

Name of Person Mailing Paper



Signature of Person Mailing Paper

- The prior application is assigned of record to Jax Holdings, Inc.. A copy of the Assignment to Jax Holdings, Inc. filed July 2, 2001, in prior parent application Serial No. 09/771,444 is enclosed.
- An Information Disclosure Statement, PTO 1449,  with copies of cited items.
- Request for Certification Under 35 U.S.C. 122(b)(2)(B)(i), Applicant must attach form PTO/SB/35.

## II. AMENDMENTS

- Cancel in this application original Claims 1-22 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
- A Preliminary Amendment is enclosed. (Claims added by Amendment must be numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

## III. FEE CALCULATION

- Applicant claims small entity status under 37 CFR 1.27.

| <b>BASIC FILING FEE:</b>                               |       |                 |    |   |                          |           | \$750.00 |
|--|-------|-----------------|----|---|--------------------------|-----------|----------|
| Total Claims   | 18    | -               | 20 | = | 0                        | x \$18.00 | \$0.00   |
| Independent Claims                                     | 2     | -               | 3  | = | 0                        | x \$84.00 | \$0.00   |
| Multiple Dependent Claims                              | \$280 | (if applicable) |    |   | <input type="checkbox"/> |           | \$0.00   |
| <b>TOTAL OF ABOVE CALCULATIONS</b>                     |       |                 |    |   |                          |           | \$750.00 |
| Reduction by $\frac{1}{2}$ for Filing by Small Entity. |       |                 |    |   | <input type="checkbox"/> |           | \$0.00   |
| Misc. Filing Fees (Recordation of Assignment)          |       |                 |    |   |                          |           | \$0.00   |
| <b>TOTAL FILING FEES DUE HEREWITH</b>                  |       |                 |    |   |                          |           | \$750.00 |

## IV. PRIORITY - 35 USC § 119

- Priority of application Serial No. \_\_\_\_\_ filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 USC § 119.
- The certified copy has been filed in prior U.S. application Serial No. \_\_\_\_\_ on \_\_\_\_\_.
- The certified copy will follow.

## V. RELATE BACK - 35 USC § 120

- This application is a divisional of U.S. Patent Application Serial No. 09/771,444, filed January 25, 2001, now pending.

- Appropriate relation back information is included in the preliminary amendment or specification.
- With respect to the prior co-pending U.S. application from which this application claims benefit under 35 USC § 120, the inventor(s) in this application is (are):
  - the same.
  - less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted [see 37 CFR §§1.33(b) AND 1.63(d)(2)]:  
[Name(s) of inventor(s) to be deleted]

#### VI. FEE PAYMENT BEING MADE AT THIS TIME

- Not attached. No filing fee is submitted. [This and the surcharge required by 37 CFR § 1.16(e) can be paid subsequently.]
- Attached.
  - Filing fees. \$750.00
  - Recording assignment. [\$40.00 37 CFR § 1.21(h)(1)]  
Petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached.  
[\$130.00; 37 CFR §§ 1.47 and 1.17(h)]
  - Petition fee to Suspend Prosecution for the Time Necessary to File an Amendment (New Application Filed Concurrently.)  
[\$130.00; 37 CFR §§ 1.103 and 1.17(i)]
  - For processing an application with a specification in a non-English language.  
[\$130.00; 37 CFR §§ 1.52(d) and 1.17(k)]
  - Processing and retention fee.  
[\$130.00; 37 CFR §§ 1.53(f) and 1.21(l)]

**Total Fees Enclosed**

#### VII. METHOD OF PAYMENT OF FEES

- Attached is a check in the amount of \$0.00.
- Charge Jones Day's Deposit Account No. **50-2468** in the amount of \_\_\_\_\_.

### VIII. AUTHORIZATION TO CHARGE ADDITIONAL FEES

The Commissioner is hereby authorized to credit Jones Day's Deposit Account No. **50-2468** for any over payment of fees and to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. **50-2468**:

- 37 CFR § 1.16(a) (filing fees)
- 37 CFR § 1.16(b) (presentation of extra claims)
- 37 CFR § 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- 37 CFR § 1.17 (application processing fees)
- 37 CFR § 1.21 (Assignment recordation fees)
- 37 CFR § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR § 1.311(b))

### IX. POWER OF ATTORNEY AND CORRESPONDENCE ADDRESS

- The power appears in the original papers in the prior application.
- The power does not appear in the original papers, but was filed on \_\_\_\_\_ in prior application Serial No. \_\_\_\_\_ (copy enclosed).
- A new power of attorney is enclosed.
- A copy of an associate power executed and filed on \_\_\_\_\_ in prior application Serial No. \_\_\_\_\_, is attached.

Please send all correspondence to Customer Number 34026.



JONES DAY  
555 W. Fifth Street, Suite 4600  
Los Angeles, CA 90013-1025  
(213)489-3939

Please direct all inquiries to David A. Randall, at (213) 489-3939.

### X. MAINTENANCE OF CO-PENDENCY OF PRIOR APPLICATION

- A petition, fee and response has been filed to extend the term in the pending **prior** application until June 23, 2003. A copy of the petition for extension of time in the **prior** application is attached.

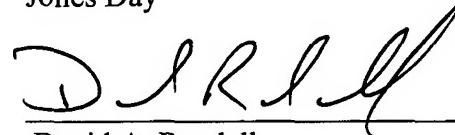
- A conditional petition for extension of time is being filed in the pending **prior** application. A copy of the conditional petition for extension of time in the **prior** application is attached.

## XI. ABANDONMENT OF PRIOR APPLICATION

- Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application co-pending with said prior application. At the same time, please add the words "now abandoned" to the amendment of the specification set forth in Item IX above.

Respectfully submitted,

Jones Day



By:

David A. Randall  
Reg. No. 37,217

Dated: June 23, 2003

Jones Day  
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Los Angeles, CA 90013  
Telephone: (213) 489-3939  
Facsimile: (213) 243-2539

Enclosures

Jax Holdings, Inc.  
Name of Assignee

5155 West Rosecrans Avenue, Hawthorne, CA, 90250  
Address of Assignee

Christopher Donnelly, Chief Executive Officer  
Title of person authorized to sign on behalf of assignee:

Assignment recorded in PTO on July 2, 2001, Reel 011957, Frame 0304-0309